

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:23-00182-02

JASON TODD PAINTER

MEMORANDUM OPINION AND ORDER

Pending before the court is the motion of the defendant Jason Todd Painter for a continuance of the trial and case related action in this matter. (ECF No. 31.) Counsel for defendant explains that additional time is needed to review the material, confer regarding the same and conduct necessary investigation into these matters to determine what, if any, pretrial motions need to be filed. Counsel further explains that additional time is also required to conduct plea negotiations. The government does not object to a continuance.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** defendant's motion to continue. In deciding to grant defendant's motion, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that denying the motion "would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the

exercise of due diligence.” Id. § 3161(h)(7)(B)(iv).

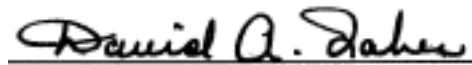
Accordingly, the court hereby **ORDERS** as follows:

1. The deadline for the filing of pretrial motions is continued to April 25, 2024;
2. The Pretrial Motions Hearing is continued to May 7, 2024, at 11:00 p.m. in Charleston;
3. Jury Instructions and Proposed Voir Dire are due by June 3, 2024;
4. Trial of this action is continued to June 11, 2024, at 9:30 a.m. in Charleston; and
5. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 22nd day of February, 2024.

ENTER:

A handwritten signature in black ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge